IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2866 OF 2005

Smt.Sindhutai Sunil Yadav ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.Vikas Shivarkar for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 24,2005.

P.C.:

1. Heard Counsel appearing for the parties. An offence alleged against the Applicant who is a woman is under Section 302 of I.P.C. The allegation against the Applicant is of committing murder of her husband Sunil Yadav. The Applicant was arrested on 3rd July 2004. After completion of investigation, charge sheet has been filed long back.

2. The learned Counsel for the Applicant pointed out that the F.I.R. is filed by the father of the deceased against the unknown persons. He relied upon the statement of alleged Eye Witness Pandurang Vitthal Ghodake. He pointed out that in the said statement the witness has stated that the Applicant and her three children came out of the house of the deceased and thereafter the deceased bolted the door of the house from inside. He pointed out that the statement of the witness discloses that prior to the incident the deceased had consumed alcohol. He has stated that when the Applicant told the deceased to stop drinking alcohol, the deceased abused the Applicant and threw wan the article on the person of the

Applicant. He threw rice on the face of the Applicant and thereafter the Applicant left the house and was followed by her three children. He therefore submitted that the involvement of the Applicant in the offence is doubtful.

3. The learned A.P.P. submitted that the minor son of the Applicant is also an Eye witness to the incident and he has deposed against the Applicant i.e. his own mother. He submitted that there is no reason to disbelieve the son of the Applicant.

4. The learned Counsel for the Applicant on instructions stated that if the Applicant is enlarged on bail, she will not enter the District Pune till the conclusion of trial and will reside at Aanduri, Taluka Khandala, District Satara. 5. I have considered the rival submissions. The Applicant is a woman. She is in custody from July 2004. As per the version of one of the Eye Witnesses, the deceased was in a drunk condition prior to the incident and the deceased had ill treated the Applicant. The allegation of the said Eye Witness makes involvement of the Applicant doubtful. It is true that there is a statement of the son of the Applicant. It is to be borne in mind that it is a statement of a minor son. Considering the material on record which shows that the Applicant was being ill-treated by her husband and the Applicant is in custody for last about 10 months, she is entitled to be enlarged on bail. To prevent the Applicant

from influencing the prosecution witnesses, a condition can be imposed for restraining her from entering District Pune save and except for the purpose of attending the court.

7. Hence I pass the following order :

i) The Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees ten thousand only) with one or two sureties in the like amount.

ii) The Bail is granted subject to the condition that the Applicant will not enter District Pune without the permission of the trial court till the conclusion of the trial except for the purpose of attending the Court on the dates fixed in the Trial Court. The Applicant will stay at village Aanduri, Taluka Khandala, District Satara and will report to the Lonand Police Station which is the local Police Station once in a week till the conclusion of the trial.

iii) The Applicant will cooperate with the learned Trial Judge for expeditious disposal of the trial. Any default on part of the Applicant may be a ground for cancellation of the bail.

iv) The Application is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE